

United States District Court
For the District of Massachusetts

CIVIL ACTION NO.: 2005-10530-JLT

MOUNTAIN PEAKS FINANCIAL)
SERVICES, INC.,)
PLAINTIFF)
JUDGMENT CREDITOR,)

v.)

PHILIP B. McADAM,)
DEFENDANT)
JUDGMENT DEBTOR.)

MOTION TO REMOVE DEFAULT

Now comes the Defendant, Philip B. McAdam and says:

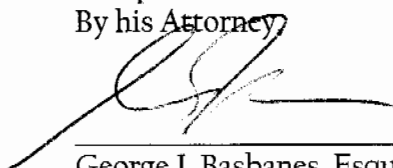
1. That he received a motion filed by the Plaintiff's attorney seeking a default for failure to answer.
2. That at all times the Defendant, Philip B. McAdam, intended to defend said case and is, in fact, defending a case in Essex County, Massachusetts for the same cause of action.
3. That prior to the receipt of the default the Defendant's counsel did send in an answer to the complaint which apparently did not reach the clerk's office prior to the issuance of the default.
4. That Philip B. McAdam says that he fully intends to defend this claim.

Wherefore, the Defendant, Philip B. McAdam prays to this Honorable Court:

- a. That the default be lifted;
- b. That the answer filed by him be docketed and the case proceed accordingly; and
- c. That the court issue any other order deemed reasonable and just.

Dated: July 18, 2005

Philip B. McAdam,
By his Attorney



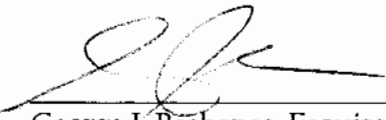
George J. Basbanes, Esquire
BASBANES & CHENELLE
648 Central Street
Lowell, MA 01852
(978) 459-3333
BBO #032840

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true copy of the within document was this day served upon the Plaintiff by mailing same, first class postage prepaid, to the Attorney for the Plaintiff, Richard W. Gannett, Esquire of GANNETT & ASSOCIATES, 165 Friend Street, Suite 200, Boston, Massachusetts 02114-2025.

Signed under the pains and penalty of perjury.

Dated: July 18, 2005


George J. Basbanes, Esquire